



LAW OFFICES
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Honorable Alvin K. Hellerstein
United States District Judge
United States District Courthouse
500 Pearl Street
New York, New York 10007

July 1, 2008

7/2/08
lost
So ordered (see letter)
7-2-08
[Signature]

Re: Alpha Capital Anstalt et al. v Ness Energy International, Inc., et al.
08 CV 5686 (AKH)

Dear Judge Hellerstein:

We are attorneys representing Plaintiffs in the captioned matter. We write to update Your Honor on the status of service of the Order to Show Cause which Your Honor signed on June 24, 2008.

On June 26, 2008, we informed Your Honor that Defendants Alan D. Stricklin and Alpha Quest, LLC ("Quest"), of which Mr. Stricklin is managing member, were served. Service was accomplished, in accordance with the provisions of the Order to Show Cause, by overnight Federal Express to 3232 Bexhill Drive, Plano, Texas 75025, the address listed by Quest as its address for service of process and where we believed Mr. Stricklin resided.

After the Federal Express web site reported that the papers had been delivered to that address (which was the basis of our report to Your Honor on June 26), we received a call from a representative of Federal Express who informed us that a woman stating that she was Alan Stricklin's former wife had returned to Federal Express the two packages that had been delivered because Mr. Stricklin no longer lived there. I was informed by Federal Express that she provided a forwarding address for Mr. Stricklin at 4422 Glenview Court, North Richland Hills, Texas 76180. Federal Express thereafter delivered both packages to Mr. Stricklin and Quest by delivering them to 4401 Glenview Court, North Richland Hills, Texas, which, we were informed by Federal Express, is the leasing office of the apartment complex which includes 4422 Glenview Court. The package was signed for by Lupita Medina on behalf of Mr. Stricklin.

With respect to Defendant Ness Energy International, Inc. ("Ness"), in accordance with Your Honor's Order of June 26, we sent a copy of the papers by overnight Federal Express to 4201 I-20 Service Road, Willow Park Texas 76087 and another copy by overnight express mail to P.O. Box 16138, Fort Worth, Texas, 76161. Those were the other two addresses listed on Ness's SEC filings, in addition to the address at which we first attempted service. Federal Express informed us that Ness was no longer at the Willow Park, Texas address. The U.S. postal

service informed us that the package was delivered to the P.O. Box. As an additional measure, we today also delivered a copy of the papers to Ness by service upon CSC Corporation Systems, Ness's registered agent for service of process.

We respectfully request, therefore, that the Court further modify the Order to Show Cause dated June 24, 2008 by providing that service of the Order, the papers upon which its is based, the Summons and the Complaint, upon Alan D. Stricklin by Federal Express at 4401 Glenview Court, North Richland Hills, Texas, on or before June 27, 2008 and service upon Ness Energy International, Inc., by hand delivery to its registered agent for service of process, CSC Corporation Services, Inc., 1133 Avenue of the Americas, New York, New York on or before July 1, 2008 be deemed good and sufficient service.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a cursive 'A' and 'Zitter'.

Kenneth A. Zitter

KAZ/nr

by fax